

OGC HAS REVIEWED.

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

January 1948

ADMINISTRATIVE INSTRUCTION
NUMBER _____

SUBJECT: Loyalty Board

1. Under authority contained in Executive Order No. 9835, dated 31 March 1947, there is hereby established a Loyalty Board for the Central Intelligence Agency to review all loyalty cases arising in CIA and make recommendations with respect to the removal of any CIA officer or employee on grounds relating to loyalty. The Board shall consist of three voting members: the Executive Director, CIA, as Chairman, who shall for each case name two from among the Deputies to the Assistant Directors, CIA, as members. An Assistant General Counsel shall attend as Law Member without vote. In the event any case for consideration of the Board involves personnel of a branch under an Assistant Director, the Deputy for the Assistant Director of that branch will not participate in any deliberation or action of the Board on that case.
2. The Board shall make determination of all cases referred to it by majority vote. Where decision adverse to the employee is made by the Board, the individual concerned may appeal to the Director, CIA, within ten (10) days of the time when notification of the Board's action reaches him. The Director may request the Loyalty Review Board of the Civil Service Commission for an advisory opinion in any case referred to him. The employee concerned may appeal the final decision of the Director, within ten (10) days of receipt thereof, to the Loyalty Review Board of the Civil Service Commission for an advisory recommendation.
3. In the event the loyalty of any CIA employee is suspect, the case shall be referred directly to the Board by Assistant Directors for employees within their respective branches, or by the Security and Personnel offices through the Executive for Administration and Management. Where information reaches the Board from other sources, it may on its own initiative investigate the circumstances, utilizing all facilities of CIA, and determine whether or not the case is proper for its consideration.

-2-

4. When a case is accepted by the Board, it shall immediately notify the employee in writing of the charges made against him and shall forward to him written interrogatories containing the information on which the charges are based and requesting specific answers from the employee concerning such information. Notice to the employee shall state the time and place of the Board's meeting for that case and shall specify the time in which the completed interrogatories must be returned. In the case of employees located in Washington, fifteen (15) days shall be given for return of the interrogatory. Reasonable extensions of time may be granted by the Chairman of the Board upon advice of the Law Member. The initial notice to the employee shall also inform him of his right to appear in person before the Board at its meeting on his case, accompanied by counsel or representative of his choosing and to present evidence on his behalf through witness or by affidavit. He shall also be given specific information on any security questions which representation by counsel or representative outside the Agency may raise, particularly on what facts may be revealed about the nature and scope of his employment.

5. For employees outside of Washington and overseas, when the Board has accepted a case it shall forward interrogatories for completion by the employee and shall specify the time of return of the completed interrogatories. The Board shall then sit in a preliminary session to determine whether further action is necessary. If the preliminary decision is favorable to the employee, he shall be so notified and the record closed. If the preliminary decision is unfavorable, or the Board is unable to arrive at a decision, the employee shall be immediately returned to Washington and final action taken by the Board on his arrival, in accordance with the procedure outlined above for Washington employees.

6. When the Board has accepted a case as provided in paragraphs 4 and 5, the Board shall inform the Chief, Personnel Division, who shall take administrative action as provided in applicable regulations. The Board, however, may recommend immediate suspension on first reference of a case to it when there appears to be a serious threat to the national security. In cases not seriously threatening the national security, the Board may, with the approval of the Director, permit resignation instead of recommending suspension, or removal, where mitigating circumstances are found in an unfavorable determination.

-3-

7. In any case where decision by the Board is unfavorable to the employee and the right of appeal is not exercised, the Board shall make appropriate recommendation to the Director for dismissal of the employee. Approval by the Director of such recommendation, or the decision of the Director on cases appealed to him, shall constitute final disposition of each case, subject only to advisory recommendation of the Civil Service Commission's Loyalty Review Board, if requested. Final action to terminate an employee shall not be taken in less than thirty calendar days after the original notice to the employee of the proposed removal action, except as provided on page 5 1-13 of the Federal Personnel Manual.

8. Files and deliberations of the Board shall be kept confidential, and all records, documents, and evidence not the property of the employee shall be forwarded to the Executive for Inspection and Security for disposition as follows. If the determination of the Board is favorable to the employee, the Executive for Inspection and Security shall retain the entire file with the security files on the individual concerned. If the individual is permitted to resign after unfavorable determination, as provided for in paragraph 6, the file should be forwarded to the Civil Service Commission with notice of the resignation. If the case is referred or appealed to the Loyalty Review Board of the Civil Service Commission, the file shall be forwarded to that Board in triplicate, unless the Board agrees that a single copy is adequate.

9. The Board need not follow strictly rules of evidence applicable to courts of law and need not divulge confidential sources of information, but the Law Member shall be responsible for advising the Board of any action of the Board which might infringe an employee's constitutional rights. All testimony at hearings of the Board shall be under oath or affirmation. The Law Member may report to the Director any action of the Board which, in his opinion, is an infringement of such rights. The standard for removal of an employee shall be that on all evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States.

10. Immediately before final action by the Director, each case shall be referred to the General Counsel, CIA, for review of the legal sufficiency of the administrative action taken.

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Director of Central Intelligence